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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,725	01/25/2002	Hiroshi Funaki	NOA106USA	2785

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EXAMINER	
MOSSER, ROBERT E	
ART UNIT	**PAPER NUMBER**
3714	

DATE MAILED: 08/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/057,725	FUNAKI, HIROSHI
	Examiner	Art Unit
	Robert Mosser	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 May 2004*.

2a)☒ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) *7* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 April 2002* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

♦

In response to the amendment Filed 6-25-2004

This action is final

Claims 1-7 are rejected.

♦

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the display of score exciter including the display of a "non-animated, video recorded motion picture and sound of an actual person" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement

Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The presented drawings are maintained as informal however in accordance with current office policy the requirement for formal drawings is no longer being held in abeyance and will be required with applicant's response to avoid abandonment of this application.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Specifically the use of the abbreviation "CM" is unclear and functionally non-descriptive.

The following title is suggested: **Commercial Market Bowling Auto-Scorer**

The disclosure is objected to because of the following informalities: the reference "CM" is not set forth in the application so as one of ordinary skill might ascertain it's meaning. Either substitution of the abbreviation with the abbreviated phrase throughout the document or the insertion of an equivocation such as CM (Commercial Market) along with it's first use would satisfy this objection.

Appropriate correction is required.

Claim Objections

Claim **7** objected to because of the following informalities: Step c, recites "a the". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1, 2,** and **5** rejected under 35 U.S.C. 102(b) as being anticipated by Kaenel (US 4,131,948).

Regarding claim **1,** Kaenel teaches an automated bowling scoring system including a computer (22), a plurality of centrally connected consoles communicatively connected to the computer, (Fig 2), a plurality of monitoring screens associated with bowling lanes (elm 24 &Fig 2, 3), and displaying advertisement of a sponsor (Figure2 & Col 10:49-64). As the claimed "exciter" is "related to a particular bowler's result" does not specify any distinct result for or distinct correlation, the examiner has interpreted this feature to encompassed in the mere presence of bowler

Regarding claim **2**, Kaenel teaches the display of advertisement as set forth above. Further claim language directed to the automatic display of advertisement dependent on the bowler exceeding a given standard is met by the mere use of the system by the bowler. Wherein the operation serves to be the "given standard" in absence of language that teach otherwise in the claim.

Regarding claim **5**, the occurrence of strikes and spares are considered implicit to the play of bowling.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **1,2**, and **5-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaenel (US 4,131,948) as applied to claim 1 above in further view of Bates (US 6,709,335).

In the case where one were to hold the automatic standard adjustment by frequency, type, and frames of adjusters to be regulated by a game related standard or a game related performance beyond a static event, the mere operation as relied upon in the teaching of Kaenel be insufficient to encompass the claimed invention. Though the examiner does not believe the current claim language provides for this interpretation the incorporation of the Bates reference has been added in order to further prosecution and address those features that examiner believes the applicant intends to encompass.

Kaenel teaches the game related features above but may be considered silent regarding the incorporation of an automatic advertisement display dependent on the player performance related to the standard performance. However in a related invention Bates teaches the insertion of advertising material at points of heighten interests in a game (Figure 5). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the player interest advertising feature of Bates in the Bowling system of Kaenel in order to ensure that on the occurrence of a spare or strike an advertisement (exciter) would be displayed thereby ensuring that advertisement was displayed at the highest intensity portions of a game (during certain pin outcomes and conclusion) in a location where players were most likely to look.

Further the title ~~scen~~ screen of claim **7** maybe considered a blank score sheet

Claims **3** and **4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaenel (US 4,131,948) in further view of Tsujita (6,325,725) or alternatively Kaenel (US

4,131,948) in further view of Bates (US 6,709,335), in yet further view of Tsujita (6,325,725).

Though Keanel teaches the use of video feeds Keanel is silent regarding the inclusion of a non-animated video recorded motion picture and sound of an actual person. In related application however Tsujita teaches of morphed images of players (Figures 16, 18, 19) and playing of associated sound files (25-27). It would have been obvious for one of ordinary skill in the art at the time of invention to have incorporated the actual people of Tsujita in the invention of Kaenel or Kaenel/Bates in order to incorporate known celebrities into the advertisements.

Response to Arguments

Applicant's arguments filed June 25th, 2004 have been fully considered but they are not persuasive.

Arguments directed to the Kaenel reference attempt to separate an exciter from an advertisement however no solid basis has yet been provided to do such. Further applicant intends to argue that the advertisement of Kaenel is not automatic or based on the results of a players performance, however as the advertisement may be present through out the game as presented by Kaenel it may be automatically on when the system is and based on the performance/operation of the system by a player.

Arguments directed Tsujita are moot in view of new grounds of rejection. Aspects presently relied upon are not addressed by applicant,

Arguments direct to claim 2 directed to a conclusion" are direct to subject matter not presently claimed.

Remaining issue are believed addressed in the rejections as currently presented.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

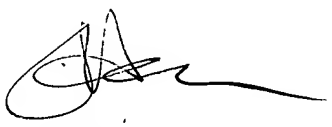
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (703)-305-4253. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

REM



JESSICA HARRISON
PRIMARY EXAMINER